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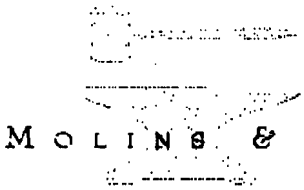

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In Re Application of: Issam Abouloukme
US Application Number: 10/519,269
Filing Date: 22 December 2004
Title: Retractable Self Rolling Blind, Awning or Cover Apparatus
Group Art Unit: 3634
Examiner: Johnson, Blair M.
Attorney Docket No: ABO0002U

11 April 2007

Arguments and Amendments

Dear Sirs,

The applicant is in receipt of the examiner's Office Action Summary mailed 22 February 2007.

The examiner has objected to the drawings. Claim 6 has been cancelled and thus the drawing objection should be withdrawn.

The examiner has objected to the abstract. A new abstract is enclosed in amended form. The new abstract omits the words "and the like".

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The examiner has taken rejections on the basis of 35USC112, generally relating to lack of antecedent basis. These matters have been attended to in the amended claims attached to this reply. Note that claim 6 has been cancelled.

The examiner has also rejected claims on the basis of non-statutory double patenting. The applicant disagrees that the non-statutory double patenting rejection can be sustained. Each of the claims of US No. 6,948,542 specifically recite "a tension bar". In the apparatus forming the basis of the specification and claims of that patent, the tension bar is required to prevent the retraction spring mechanism from spinning uncontrollably. The tension bar receives the torque exerted by the spring mechanism and prevents it from being transmitted to the wheels (one on each side) along which the device rolls. The present invention overcomes the need for a tension bar by providing a wheeled carriage at each end of the keyway tube. "A wheeled carriage" is more than a single wheel. In the present claims, the wheeled carriage receives the torque exerted by each end of the keyway tube owing to the spring mechanism. This torque attempts to twist or spin the wheeled carriage about the keyway tube but this twisting or torquing is resisted by the fact that the wheeled carriage is carried either within a track or along a guide wire i.e. "a pre-determined path". The carriage alleviates the need for a tension bar. Thus, there are considerable differences between the US 6,948,542 citation and the present claims. The applicant disagrees that these differences are trivial or would have been obvious at the time the invention was made. There is certainly no suggestion, motive or teaching in the prior art for replacing the tension bar with a wheeled carriage.

Claims have also been rejected under 35USC103 on the basis of US No. 6,948,542 in view of Berkemeier US Patent No. 4,480,675. The applicant disagrees that any of the claims are rendered obvious by this combination. First, a Berkemeier is small device, primarily intended for automotive use. As such, the stresses on the roller tube are relatively small and therefore the torque exerted by the ends of the roller to the tracks is also relatively small. The applicant refers the examiner to the cross section shown in Figure 3 of Berkemeier. The ends of the roller are there seen carried by tight fitting rails that prevent the twisting due to torque. Because the weight of the roller and the spring tension is relatively low, the twisting or torquing affect on the roller ends can be

accommodated without the use of friction reducing wheels. Thus, Berkemeier has no need to incorporate wheels or wheel carriages and thus it is illogical to suggest that it would have been obvious to add wheels or a wheeled carriage to the Berkemeier device.

The examiner also relies on the Brody reference, US No. 642,423. The applicant sees no relevance of the Brody patent to the present claims. None of the devices disclosed in Brody utilize (a) two or more sheets of fabric or other suitable material wound conjointly about a keyway tube, (b) a keyway tube having a spring winding mechanism, (c) the winding mechanism being pre-tensioned, or (d) keyway tube supported at each end by a wheeled carriage that travels along a pre-determined path. Accordingly, there could be no possible motive, suggestion or teaching that would justify a legally permissible combination of Brody with any of the other citations. The examiner is specifically urged to resist the temptation to apply hindsight for the purpose of reconstructing the applicant's claims invention.

In view of the above arguments and noting the significant differences between the 6,948,542 reference and the present claims, it is believed that a terminal disclaimer is not warranted. The two inventions are patentably distinct owning to the lack of the tension bar in the present claims and the lack of the wheeled carriage in the cited reference. Again, the examiner is urged to disregard speculation and hindsight reconstruction when interpreting the present claims.

Favourable reconsideration is requested.

Please charge any deficiency in the fees due to our Deposit Account No. 503458 in the name of Molins & Co.

Regards,

Michael Molins
Reg. No. 31785
Customer No. 33372

MM/rm